



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/025,581 | 12/18/2001 | John Thompson | 26961.11 | 7956 |
| 27683 | 7590 | 07/26/2006 | EXAMINER | |
| HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202 | | | KRISCIUNAS, LINDA MARY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3623 | |

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/025,581 | Applicant(s) THOMPSON, JOHN | |
| | Examiner Linda Krisciunas | Art Unit 3623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-17 and 26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 9 is/are allowed.
6) ☒ Claim(s) 1-4,6-8,10-17 and 26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final office action in response to the applicant's amendments filed June 21, 2006. Claims 1-4, 6-17 and 26 are pending. Claim 5 was canceled and claims 18-25 were withdrawn. Claims 1 and 9 were amended.

Response to Amendment

2. The Examiner notes the amendments to claim 9 as per the last office action of March 22, 2006 and withdraws the claim objection.

Response to Arguments

3. The Examiner has fully considered the applicant's arguments that yield value is not taught by Tsushima et al (US 4,852,001) nor Jilk et al (US 6,859,523), but it is deemed not persuasive.

As noted by the applicant in the Remarks filed June 21, 2006 on page 8, where tasks are related to yield values by: "yield values are separate mechanism for prioritizing than a timing based system." Jilk teaches prioritizing as noted in column 8, lines 13-20 where the tasks are prioritized by the dispatcher via the distribution priority data structure. Further, the Specification teaches in paragraph 18: combining the opportunity based retail factors with a timing and calendar system when prioritizing tasks, which would include a timing based system. Lastly, Jilk teaches in column 14, lines 7-9, each task process having a priority indicated by an integer value which represents a yield value as indicated in the claims.

Allowable Subject Matter

Art Unit: 3623

4. Claim 9 is allowed.

Claim 9 teaches a task module for generating a plurality of tasks from requests from suppliers, where the tasks are performed at retail stores; a prioritizing module for the tasks according to a status and plurality of opportunity based retail factors, store location velocity, as defined by the formula in the Specification, as well as the number of new products for a location and the weighted importance of the number of new products, non-scanned products and their weighted importance, tasks and their weighted importance and a value and weighted value associated with the time since the task was last performed; a routing module for assigning the tasks to members of a workforce; and a client for rendering the task to the member and collecting the status of the task from the member. The closest prior art Jilk et al (US 6,859,523) teaches managing tasks of workers and Tsushima et al (US 4,852,001) teaches job scheduling, neither of which, in combination or alone teach all the limitations of claim 9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jilk et al (US 6,859,523).

As per claim 1, Jilk teaches a task module ((100) task management system) for generating tasks (column 4, lines 22-29: "Examples of typical task steps that may be managed by embodiments of the invention include, without limitation, the steps involved in data entry, telesales, voice transcription, translation, image categorization, sales lead incubation, auditing, repair of documents after OCR, photo retouching, paralegal processes, call center quality assurance, and editorial work. A task step also may be checking the result of carrying out another task step.") from a plurality of requests from a plurality of suppliers (column 5, lines 2-3: "A worker may log on to the system 100 and request work." Where the worker represents the supplier), wherein the tasks are to be performed at retail stores (claim 43 where photo retouching may be done in a retail environment); a prioritizing module for prioritizing the tasks, where the tasks are prioritized according to a status of the assigned tasks and a yield value (As noted by the applicant in the Remarks filed June 21, 2006 on page 8, where tasks are related to yield values by: "yield values are separate mechanism for prioritizing than a timing based system." Jilk teaches prioritizing as noted in column 8, lines 13-20 where the tasks are prioritized by the dispatcher via the distribution priority data structure. Further, the Specification teaches in paragraph 18: combining the opportunity based retail factors with a timing and calendar system when prioritizing tasks, which would include a timing based system. Lastly, Jilk teaches in column 14, lines 7-9, each task process having a priority indicated by an integer value which represents a yield value as indicated in the claims.); a routing module for assigning one of the prioritized tasks to a member of the workforce (claim 35: "a task dispatcher coupled to the network and

Art Unit: 3623

to the task data structure to dispatch a task from the task data structure to an available worker"); and a client for rendering the assigned task to the assigned member (claim 35) and collecting the status of the task from the member (claim 35: task submission unit receives results and column 3, lines 1-2: "receiving the task result corresponding to the dispatched task step and input unit from the worker" which is equivalent to the status as it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 2, Jilk teaches a managing module for monitoring the status of the assigned tasks (column 3, lines 1-2 where there is receiving of the task result).

As per claim 3, Jilk teaches the client is a remote node (claim 40 where the remote worker completes the task at a remote location which is equivalent to a remote node as it performs an identical function in substantially the same manner with substantially the same results).

As per claim 4, Jilk teaches the client is an interactive voice response system (column 14, lines 59-64 where Entity JavaBeans is the computer language used, but is not limited and may be other programming languages, such as voice recognition based languages which would produce a voice response system.).

As per claim 5, Jilk teaches the task pertains to at least one product supplied by one of the plurality of suppliers (claim 43 where photo retouching may be done in a retail environment)).

As per claims 6, Jilk teaches at least one of the tasks is a series of questions relating to at least one product supplied by one of the suppliers (column 4, lines 22-29

Art Unit: 3623

where it is well known that series of questions would come from the auditing task or a call center for quality assurance.).

As per claims 7, Jilk teaches the routing module assigns one of the tasks to a member of the workforce on the basis of the member's location and a skill level associated with the member (claim 39 and 48 where the skill level of the worker is certified and used when assigning resources and information is stored in a database with respect to the remote location of the remote worker when determining certification. The database contains information on each remote worker. It is well known that the location of a remote worker would be part of the information in the database associated with each remote worker.).

As per claim 8, Jilk teaches the factors are opportunity based retail factors (column 16, lines 22-29 where the minimum pay rate is representative of a retail factor).

As per claim 10, Jilk teaches each request is selected from the group consisting of labor requests, validation requests and information requests (column 5, lines 2-3 where the worker requests work which is a labor request).

As per claim 11, Jilk teaches receiving a plurality of requests from a plurality of suppliers (column 5, lines 2-3: "A worker may log on to the system 100 and request work." Where the worker represents the supplier); generating a plurality of tasks from the plurality of requests (column 4, lines 22-29); prioritizing the plurality of tasks according to a status of the assigned tasks and the yield value of each task of the plurality of tasks (column 8, lines 13-14: "); assigning each of the prioritized tasks to a member of the workforce according to routing rules (claim 35 where skill level is

Art Unit: 3623

representative of the routing rules); and rendering each assigned task to each assigned member (see claim 35), and determining a yield value for each task of the plurality of tasks (As noted by the applicant in the Remarks filed June 21, 2006 on page 8, where tasks are related to yield values by: "yield values are separate mechanism for prioritizing than a timing based system." Jilk teaches prioritizing as noted in column 8, lines 13-20 where the tasks are prioritized by the dispatcher via the distribution priority data structure. Further, the Specification teaches in paragraph 18: combining the opportunity based retail factors with a timing and calendar system when prioritizing tasks, which would include a timing based system. Lastly, Jilk teaches in column 14, lines 7-9, each task process having a priority indicated by an integer value which represents a yield value as indicated in the claims.).

As per claim 12, Jilk teaches a managing module for monitoring the status of the assigned tasks (column 3, lines 1-2 where there is receiving of the task result).

As per claim 13, Jilk teaches the yield value is determined using opportunity based retail factors (column 16, lines 18-21 where the time window condition represents the yield value for the task and column 14, lines 28-30 where the grace period, duration for the task step and turn around time represent the retail factors).

As per claims 14, Jilk teaches at least one of the tasks is a series of questions relating to at least one product supplied by one of the suppliers (column 4, lines 22-29 where it is well known that series of questions would come from the auditing task or a call center for quality assurance.).

As per claim 15, Jilk teaches the step of collecting responses to the series of questions (column 23, line 30 where the completed task feedback is the response).

As per claims 16, Jilk teaches the routing module assigns one of the tasks to a member of the workforce on the basis of the member's location and a skill level associated with the member (claim 39 and 48 where the skill level of the worker is certified and used when assigning resources and information is stored in a database with respect to the remote location of the remote worker when determining certification. The database contains information on each remote worker. It is well known that the location of a remote worker would be part of the information in the database associated with each remote worker.).

As per claim 17, Jilk teaches the step of re-prioritizing the series of tasks when the status of the assigned task changes (column 8, lines 13-20: "When tasks are entries in the database 217, each task entry may include a priority that is used by the task dispatcher to dispatch tasks. In an alternate embodiment, the task dispatcher 309 maintains a data structure that describes the priority for distributing tasks (the "distribution priority data structure"). The capacity manager 317 provides input to the task dispatcher 309 on which tasks should be raised higher in the distribution priority data structure." Where the task dispatcher changes the priorities as indicated.).

As per claim 26, Jilk teaches receiving, at a central computer location, requests in electronic form from a plurality of retail product suppliers (column 5, lines 2-3: "A worker may log on to the system 100 and request work." Where the worker represents

Art Unit: 3623

the supplier); generating a plurality of tasks from the plurality of requests, such that each task is to be performed at a grocery store location that is remote from the central computer location (((100) task management system) and (column 4, lines 22-29:" Examples of typical task steps that may be managed by embodiments of the invention include, without limitation, the steps involved in data entry, telesales, voice transcription, translation, image categorization, sales lead incubation, auditing, repair of documents after OCR, photo retouching, paralegal processes, call center quality assurance, and editorial work. A task step also may be checking the result of carrying out another task step." Whereby it is well known that auditing is also performed at grocery store locations.); prioritizing the tasks according to the modified yield value of each task (column 8, lines 13-14: When tasks are entries in the database 217, each task entry may include a priority that is used by the task dispatcher to dispatch tasks."); assigning each task of the prioritized tasks to a member of a workforce according to routing rules, wherein each member is remotely located from the central computer location (claim 35: "a task dispatcher coupled to the network and to the task data structure to dispatch a task from the task data structure to an available worker"); rendering each task to the assigned member, wherein the member receives the task on a remote node (claim 40 where the remote worker completes the task at a remote location which is equivalent to a remote node as it performs an identical function in substantially the same manner with substantially the same results); and collecting a status of each task from the assigned member via the remote node, wherein the status of each task is accessible from the central computer location by the retail product

Art Unit: 3623

suppliers (claim 35: task submission unit receives results and column 3, lines 1-2: "receiving the task result corresponding to the dispatched task step and input unit from the worker" which is equivalent to the status as it performs an identical function in substantially the same manner with substantially the same results.), and determining a yield value for each task of the plurality of tasks (As noted by the applicant in the Remarks filed June 21, 2006 on page 8, where tasks are related to yield values by: "yield values are separate mechanism for prioritizing than a timing based system." Jilk teaches prioritizing as noted in column 8, lines 13-20 where the tasks are prioritized by the dispatcher via the distribution priority data structure. Further, the Specification teaches in paragraph 18: combining the opportunity based retail factors with a timing and calendar system when prioritizing tasks, which would include a timing based system. Lastly, Jilk teaches in column 14, lines 7-9, each task process having a priority indicated by an integer value which represents a yield value as indicated in the claims); and modifying the yield value by importance factors. (column 15, lines 61-64 where the dispatch conditions are performed in order of priority and during task definition the conditions are either listed as requirements or preferences, whereby the selecting of the conditions as required or a preference would indicate an importance factor which would impact the priority rating and the order they are dispatched.).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3623

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

LMK
July 21, 2006

Roman Janty
Primary Examiner
Art Unit 3623